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## **Kinship in Europe: a new approach to long-term development**

Teuscher, Simon ; Sabeau, David Warren

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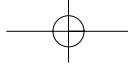
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*Chapter 1*

# Kinship in Europe

## *A New Approach to Long Term Development*



David Warren Sabean and  
Simon Teuscher

Kinship has been said to be in decline at almost every moment during Western history. Historians have viewed the appearance of the most diverse new social structures—guilds and brotherhoods in the Middle Ages, the state in the early modern period, the market and voluntary associations in the eighteenth and nineteenth centuries, or social security in the twentieth—as either displacing kinship or replacing its lost functions. Western self-identity has a heavy investment in understanding the long-term development of its kinship practices as successive contractions toward the modern nuclear family. Within this framework, kinship is the functional predecessor of almost everything, but never a constructive factor in the emergence of anything. In what follows, we will suggest that a growing number of studies not only contradict widely held assumptions about the declining importance of kinship, but also point to broad, common, structural shifts in the configurations of kin across Europe between the Middle Ages and the early modern period and again at the turn of the modern era. In this introduction and in this book, we do not bring the story of kinship into the twentieth century, which would require considerations of a third transition and new structural features that demand treatment in their own right.

The different national and methodological traditions of historical scholarship into European kinship present quite diverse approaches, levels of interest, and progress. While we cannot attempt to synthesize the considerable and disparate debates on the subject, we do aim to provoke discussion between different schools of thought by highlighting what we see as broad historical shifts in the articulations and dynamics of kinship. The heterogeneity of research debates is, of course, in part due to the heterogeneity of the subject matter itself. How kin groups organized themselves in different time periods and places, in the town or the countryside, on the noble estate and the peasant farm, among office holders, courtiers, workers, and industrial entrepreneurs presents great differences in both the goals they attempted to realize and in the materials with which they had to work.

Kin relations depend on a wide array of exchange and communication. A sketch of long-term developments is necessarily selective, and we will have to concentrate on those articulations of kinship that lend themselves to comparison and have been addressed by numerous case studies: patterns of inheritance and succession, systems of marriage alliance, the circulation of goods, and the patterned practices of relationship, among blood relations and allied families, as well as developments in the terminology and in the cultural representations of kinship. A great deal of comparative discussion about kinship has been focused on the level of explicit rules in codifications of law and custom. The analysis of legal doctrines, judicial decisions, and innovations in legal instruments certainly remain a crucial task of analyzing kin organization. Nonetheless, some of the most important new research shows that law can be a very flexible instrument for quite different ways of doing things and that practice cannot be deduced from legal norms.<sup>1</sup> In contrast to older research, which implicitly expected kinship systems to have been uniform within broad regions, we expect to find tensions between diverging patterns of organizing kinship. Examining such tensions, for instance, between the conceptions of kinship that regulated the distribution of property and the ones that were highlighted for purposes of political representation, allows for a more specific picture of the driving forces of transformation.

In what follows, we will suggest two major transitions in the development of European kinship that many recent case studies from different regions and social settings call attention to. The first leads from the late Middle Ages into the early modern period, and the second can be traced from the mid eighteenth century. The fifteenth and sixteenth centuries witnessed a new stress on familial coherence, a growing inclination to formalize patron-client ties through marriage

alliance or godparentage, and a tendency to develop and maintain structured hierarchies within lineages, descent groups, and clans and among allied families.<sup>2</sup> These developments were closely connected to processes of state formation and the formalization of social hierarchies as well as to innovations in patterns of succession and inheritance, new forms of delineating and mobilizing property, and novel claims to privileged rights in office, corporations, and monopolies. While the first transition can be associated with an increasing stress on vertically organized relationships, the second one brought about a stronger stress on horizontally ordered interactions. Beginning around the middle of the eighteenth century, alliance and affinity, rather more than descent and heritage, came to organize interactions among kin. During the early modern period, marriage alliances were sought with “strangers,” frequently cemented long-term clientage relations, and created complex patterns of circulation among different political and corporate groups (*Stände, ceti, ordres*) and wealth strata. From the mid eighteenth century onwards, marriages became more endogamous, both in terms of class and milieu and among consanguineal kin: marriage partners sought out the “familiar.” These innovations are intimately related to the formation of social classes and a differentiation of new gender roles within property-holding groups from the late eighteenth century onwards. And they also reflect reconfigurations in political institutions, state service, property rights, and the circulation of capital. If anything, the nineteenth century can be thought of as a “kinship-hot” society, one where enormous energy was invested in maintaining and developing extensive, reliable, and well-articulated structures of exchange among connected families over many generations. Even though we are trying to understand systems and structures as well as general transitions and unidirectional shifts, we do not intend to replace a master narrative about the constant decline of kinship by another one that is similarly simple. But even less do we want to fail to go beyond the uncontested generality that kinship at all times was diverse, situational, and unsystematically interconnected with other relationships. Our hypotheses aim at stimulating comparative discussions that are both specific enough to relate kinship phenomena to a wider context of social change and sufficiently open to include variations, alternative logics, and innovations.

## First Transition: Middle Ages to the Early Modern Period

### *How Much of a Transformation Was There in the Eleventh Century?*

Historical research has long been building on the notion of an antagonism between state organization and kinship, which assumed that as formal institutions of government grew, kinship lost its relevance. Lawrence Stone characterized the state as “the natural enemy” of kinship, and Jacques Heers argued that early state organizations attempted to “break all the ties of kinship.”<sup>3</sup> Searching for a period when the state was particularly weak, historians zeroed in on the eleventh century, expecting to find vigorous kinship forms. Between the 1950s and the 1970s, Gerd Tellenbach, Karl Schmid, and Georges Duby gathered evidence of a shift in aristocratic kin organization around the year 1000 that has since been considered one of the most significant ruptures in the development of European kinship.<sup>4</sup>

In the preceding Carolingian period, the kinship system was adapted to a geographically mobile aristocracy in which wealth and prestige were largely based on service in a comparatively strong royal administration. In general, representations of kinship were less oriented towards generational depth than towards establishing horizontal links to living members of extended and overlapping networks that modern research often refers to as *Sippen* in German or *cousinages* in French. Hierarchies within these groups were not defined by specific genealogical constellations, but by individual members’ positions outside their kin group, such as their closeness to rulers (*Königsnähe*). Kinship reckoning was bilateral, inheritance devolved on all the children, and women transmitted property and could perpetuate kinship identity. After the year 1000, the organization of kinship changed as the administrative structures of the Carolingian Empire disintegrated. Royal rights of taxation and jurisdiction were appropriated by local counts or seigneurs, who considered themselves no longer accountable to a central authority. Aristocrats consolidated property on a particular place, which they frequently fortified and exploited as an autonomous lordship. They became sedentary, tied to their land, and concerned with preventing partition of their estates.

In this context, there emerged new conceptions of kinship that stressed patrilineal descent and the exclusion of family members who earlier would have participated in the wealth and prestige of the *Sippe*. Both daughters and younger sons were increasingly excluded from succession to local lordship that could thus be passed on unchanged from fathers to their oldest sons (primogeniture). New forms of representing

kin groups through coats of arms and surnames highlighted the continuity of agnatic groups over the course of generations. Some scholars even observed traces of a spread of this dynastic family model down to the social group of peasants.<sup>5</sup> Georges Duby stressed that hierarchies within the new patrilineal dynasties came to be defined by gender, birth order, and descent, emphasizing vertical structural patterns. Excluded younger sons tended to continue a non-sedentary lifestyle by seeking service in warfare with other lords and became the stock of recruitment for the new social group of knights. The sisters of the successor were frequently married off to his socially inferior vassals, and such alliances hierarchically interlinked dynasties of different status.

While there is broad agreement about a trend towards stronger agnatic relationships being *initiated* during the Middle Ages, the model developed by Tellenbach, Schmid, and Duby has been whittled away at for some time now. Recent scholarship has pointed to kin terminology, theological discourses, and patterns of inheritance to show that kinship in Europe throughout the Middle Ages and the early modern period, in many respects, remained fundamentally bilateral despite changes in the transmission of property. Indeed, medieval Latin and most Western vernaculars abandoned the elaborate Roman kinship distinctions between paternal and maternal kin. Both in the high and the late Middle Ages, the most frequently used terms to describe and address kin, such as Latin *consanguineus* or *amicus*, French *lignage*, *ami* or *ami charnel*, or German *fründe*, were not only used indiscriminately for paternal and maternal (blood) relatives, but also often even for in-laws. Only at the end of the Middle Ages did terms that singled out the patriline become more prominent.<sup>6</sup> Also, ecclesiastical legal principles of the Roman Catholic Church stressed bilateral conceptions of kinship through prohibitions of marriage within a quite extensive range of kin. One had to marry outside, with someone who was “un-familiar,” external to the group descended from great-great-great-great-grandparents and beyond. This is a negative way of describing those to whom one had recognized positive links and ties of obligation; theological representation (largely preserved by later Protestant communities on the continent) recognized relatives on the agnatic and uterine sides as equal, with shared substance diminishing only with generational distance.<sup>7</sup>

Moreover, recent research into high medieval regimes of property transmission shows that many segments of society were not committed to consistent systems of property transmission at all—certainly not in the rigid sense that can be found in more densely regulated early modern societies. Inheritance arrangements could vary from family to family, and even within the same royal or noble family, the principal estate

could go undivided from a father to his firstborn son in one generation, while an equal division could take place in the next.<sup>8</sup> Some studies have argued that to the extent that property transmission during the High Middle Ages turned patrilineal at all, it did so in restricted ways. Patrilineal succession to specific rights did not necessarily entail a fully fledged dynastic family organization nor inhibit dividing property in many different ways.<sup>9</sup> It is useful to distinguish between inheritance and succession.<sup>10</sup> While the oldest son might “succeed” to his family’s main estate and to his father’s political position, all of the children might inherit property equally both immovable and movable. Patrilineal and primogeniture patterns applied primarily for succession to those lordly rights and titles that had to be passed unchanged from one generation to the other in order to preserve a family’s social or political status. The shift toward patrilineal systems was, on the one hand, less general than earlier research had assumed, but on the other, more specifically related to modes of linking political power to the possession of certain goods such as castles, titles, and offices that remained stable over the course of generations. The elements of patrilineal kin organization that can be traced in the eleventh century were thus less due to a stateless stage of Western history than to attempts to institutionalize power. Accordingly, recent studies show that the patrilineal penchant of kin organization was reinforced in the course of the later Middle Ages and the early modern period as more institutionalized forms of organizing political power developed. Thus, both the chronology and the causality of the patrilineal turn of European kinship need to be reconsidered.

#### *Changes at the End of the Middle Ages*

The strong focus in older research on inheritance, which emphasizes issues of bilateral and unilineal systems of property devolution, has overshadowed the importance of marital property regimes, how spouses bring together, manage, and pass on their wealth.<sup>11</sup> In this respect, Martha Howell’s in-depth study of the northern French city of Douhai is particularly thought provoking.<sup>12</sup> There, between the fourteenth and sixteenth centuries, a gradual, but at least for the upper classes, general transition of property regimes took place. In the older system, the property spouses brought into marriage and acquired throughout its duration was completely merged. Each of the spouses was the sole inheritor to the other, while their children only inherited whatever was left after the second spouse’s death. The husband could freely dispose of the entirety of the marital funds, but at his death, his widow stepped into the exact same “male” rights he had previously

held. This included the right to merge possessions from the first marriage into a second one. In the new regime, the property each spouse had brought into marriage remained separated. Parents provided their marrying daughters with a dowry that their husbands could not dispose of, nor did spouses inherit from each other, and children could claim inheritance immediately upon the death of each parent. Under both systems, marital property was frequently regulated in the form of written contracts, but whereas the contracts of the older system were between just two people, the wife and her husband, the new system required the participation of large numbers of kin who also came to acquire lasting responsibilities. Members of the wife's family of origin would protect her property both while her husband was alive and thereafter. After the husband's death, members of his family of origin would be in charge of defending the property interest of his children against the completely separate ones of their mother.

It seems that several regional societies developed similar commitments to the non-merging of lineal property, together with institutional guarantees for and by the lineal kin.<sup>13</sup> If future research should show that this corresponds to one general trend, the most diverse regimes of property transmission would represent innovations of the late Middle Ages. In Douhai's older inheritance pattern, property was primarily passed on within the same generation. As opposed to this, early modern partible and impartible inheritance systems alike tend to stress the devolution of property downwards in the chain of generations, along lines of descent that were construed as unaffected by marriage alliances. This shaped perceptions of property as something that belongs to lines of descent and entails lasting legal obligations of the members of the family of origin towards each other. While this is more obvious in patrilineal systems of inheritance, we should not fail to see that partible inheritance systems were also constructed as coherent practices at the turn of the early modern period.

There are additional reasons to reconsider the age of both the partible and unilineal inheritance patterns as we encounter them in the early modern period. Such systems are mainly known from regional and local statutes or customals (such as German *Weistümer* or French *coutumiers*) that, with few exceptions, were written down no earlier than the fourteenth to sixteenth centuries. Today, researchers largely agree that references in these texts to age-old law mainly served to legitimate attempts by central authorities to impose innovative rules in areas that had previously been characterized by different or altogether less regular practices.<sup>14</sup> Uniformity of norms, the training of personnel to administer and interpret the law, and the homogenization



of practices, all were part of the development of regional cultures of both partible and impartible devolution in the transition to the early modern state apparatus.<sup>15</sup>

A number of recent case studies demonstrate how group specific patterns of property devolution underwent profound changes at the end of the Middle Ages, some of which occurred rapidly, within a few generations. So far, there have been few studies into the medieval developments that led to the consistently partible inheritance that in some regions emerged at the beginning of the early modern period.<sup>16</sup> But a number of recent examinations stress that thoroughgoing patrilineal systems of property devolution only developed at the passage to the early modern period. We would like to illustrate this with results of studies on groups as diverse as the English, German, and Sicilian elites.

Eileen Spring has recently studied the practices associated with entail and strict settlement in the English nobility and gentry between 1300 and 1800. Although a common law rule favoring primogeniture was in place from the beginning, families often provided well for younger children, including daughters, and rules concerning the inheritance by females in the absence of a male heir allowed for an estimated 40 percent of property to fall into the hands of women.<sup>17</sup> From the late Middle Ages onwards, the history of property law and familial practice was in the direction of excluding female succession and imposing strict primogeniture, patrilineality, and patriarchal rule, with the process only coming to final form at the beginning of the eighteenth century.<sup>18</sup>

As in many other systems of inheritance with a stress on patrilineality and primogeniture, the crucial means of dividing property rights in the English aristocracy were neither the testament nor legal and customary rules, but contracts at marriage. Those spelled out the charges to which the estate that the eldest son inherited would be liable for his younger siblings and regulated the contributions families of origin made to the marital funds of their daughters and sons.<sup>19</sup> In the early stages, grooms provided for the widowhood of their brides by giving them a dower which amounted to a third of the husband's estate. But successively, the dower was replaced by a practice whereby the family of the bride provided a portion, to which the groom answered with a jointure, a sum to be drawn upon in the case of his earlier death. By the sixteenth century, the ratio of portion to jointure was 5:1, and by the end of the seventeenth century, it had fallen to 10:1.<sup>20</sup> All during the marriage, the husband held the wife's portion and received the income from it. The upshot of this system was to throw the entire costs of maintaining a wife and settling a widow back onto her own family. Thus, throughout the late Middle Ages and the early modern period,

both male and female properties were ever more strongly tied to their respective patrilineal lines of origin.

In his investigation into kinship in the late medieval high nobility of western Germany, Karl-Heinz Spiess detected expressions of a patrilineal consciousness as early as the thirteenth century. Nevertheless, noble territories kept being divided equally among both daughters and sons well into the fourteenth century. In this period, daughters began to be excluded from rights to the main territories, but continued to receive substantial compensations at least up to the sixteenth century. Equal division among sons persisted until the fifteenth century, when territories came to be more consistently passed on undivided from fathers to their oldest sons, with younger sons increasingly excluded from inheritance and marriage. In the course of the fifteenth century, daughters came to be excluded from inheritance even in the absence of sons, with the next relative in the male line (for instance, the father's brother's son) succeeding to the estate.<sup>21</sup>

The stronger agnatic stress indicates a change of emphasis in the understanding of the material and immaterial goods that the high nobility passed on from generation to generation. In the older system, each son could marry and found a new line. The risk of a lineage's extinction was thus minimized, or—as in a contemporary formula—the dynastic name and reputation were preserved, while its property was divided through inheritance and merged through marriage with portions provided by other dynasties. In contrast, primogeniture reflected a change in the nature of noble property, which increasingly formed into stable territories with extensive administrative bodies. While the older inheritance system maintained the honor and prestige of all the branches of a dynasty, the new one aimed at preserving the integrity of state-like entities. Indeed, Cordula Nolte demonstrated that preventing the division of the noble territory was as much, if not more, of a concern of the officers who served the administration than of the members of a territorial lord's own family.<sup>22</sup> Joseph Morsel's case studies suggest that the kin conceptions and inheritance patterns of the lower German nobility changed at the same time and in a similar way. Here, patrilineal conceptions of *geschlecht* not only inhibited the divisions of estates, but also defined collectives with enduring obligations and privileges to hierarchical positions within the new, territorial political systems.<sup>23</sup>

A recent study of the Sicilian social elites by E. Igor Mineo presents a social group that was also late to develop consistently patrilineal patterns of inheritance. This group continued to divide property equally among all daughters and sons until the late fifteenth century, when consistent patterns of patrilineal inheritance spread rapidly. Along with this

came a change in cultural representations of kinship. While memories of past generations had previously been shallow, the fifteenth century witnessed a rising interest in tracing paternal kin back over several generations. The political landscape of Sicily had long been characterized by a strong royal administration. Rural seigneuries had not been direct sources of political power, and urban social hierarchies depended on individual family member's relationships to the crown. The patterns of inheritance changed in close connection with the emergence of new institutional mechanisms of distributing power: the emergence of a parliament, noble status for its members, and new rules for inheritable rights to sit on city councils. These institutional mechanisms defined social and political positions less by personal relationship to the crown than by affiliation to specific groups. The stress on patrilineal conceptions of the family evolved around mechanisms of passing on such affiliations from one generation to the other.<sup>24</sup>

The upshot of recent historical work suggests that in the most diverse social groups, patrilineal forms of property devolution and of representing kin groups did not develop as the result of a sudden rupture during the eleventh century and disintegrate thereafter, but emerged and were gradually reinforced over centuries, with the crucial period of transition being much later than the consensus emerging in the 1970s suggested; namely, between 1400 and 1700. Patrilineal patterns repeatedly came into place to transmit goods that entailed political privileges and a specific position within social hierarchies. Throughout the Middle Ages and the early modern period, ever more goods adopted similar qualities—territories with a state-like character, titles, and certain properties that served as carriers of permanent, indivisible entitlements. Succession to these things came to be undivided, even when wealth and landed property could continue to be partitioned among the heirs. Still, it is important to see that titles and political position always had to be supported by significant amounts of property, which implied that unigeniture practices worked to establish a core of property and rights that differentiated sharply among the potential heirs.

#### *Similarities and Variations in Early Modern Systems of Exclusion*

Social groups of the early modern period provide evidence of a great variety of alternative systems to preserve the integrity of goods "carrying" political and social rights, not all of which entailed primogeniture or an exclusion of women. Examples are provided by what Bernard Derouet, Elisabeth Lamaison, and Pierre Claverie call "patrimonial lines" among farm holders in France. Here, the patrimony itself, not a

particular heir, needed to be at the center of practices of succession, and the patrimony sometimes, even in the presence of a male heir, could fall to a daughter.<sup>25</sup> But—and this is the important point—succession to a patrimony was “closed,” even when parents exercised judgment about the most suitable heir. As Derouet points out, in some French impartible inheritance systems, *maisons* gave the names to their members and ascribed obligations and exchanges between different houses carried along through time, irrespective of the particular kinship relationships and alliances of the moment.<sup>26</sup>

A comparative study of all the ways that families concentrated succession in Europe awaits its historian, but attention should be called to other forms by which families restricted entrance to goods in order to preserve the substance of specific estates and, where necessary, to keep the bulk of the property under the governance of one male heir. The instrument of choice on the continent was the entail or the *fidei commissum*, which Habakkuk compared to the English strict settlement.<sup>27</sup> It allowed the organization of families around a property that descended intact over many generations, while its yield was distributed to family members according to patterns that varied strongly from one group to another. In some ways, the practice was most rigorous in Spain, where it goes back essentially to the beginning of the sixteenth century. Originating with the great houses in Castile, it spread downwards to the minor nobility and across the different provinces, and it seems to have played an important role in the development of large landed agglomerations. The *fidei commissum* made its way to Austria around 1600 and to Hungary in the course of the seventeenth century.<sup>28</sup>

Noble and patrician families organized a great deal of their social exchanges around goods that they controlled through their relationship to the state or to the Church.<sup>29</sup> For urban communes in Southern Europe, Gérard Delille has found elaborate forms of organizing kin that defined succession to offices, the dividing lines of social inequality, and the patron client relationships that crisscrossed them. As patriciates closed off, the division of the population into *nobili* and *popolari* was institutionalized in the form of hereditary orders, each of which had access to particular offices. The emergence of these dual constitutions went along with divisions of noble patrilineages into several branches. While at least one branch remained noble, others could sink to the order of *popolari*. The reinstatement of the latter, however, could step in as soon as the chain of succession in the superior branch was interrupted. Delille's most recent work is the most ambitious study to date

of the institutionalizing of kinship structures consonant with developments in political organization during the early modern period.<sup>30</sup>

At the passage from the late Middle Ages into the early modern period, groups of families came to treat public goods as a kind of shared property. Particularly striking examples are provided by Heinz Reif and Christoph Duhamelle, who have studied noble families in German ecclesiastic territories.<sup>31</sup> Although offices in these territories were distributed by co-optation into the cathedral chapters and not directly passed on by inheritance, narrow groups of related families came to monopolize them through patterns of marriage and inheritance. Eligibility to the offices became ever more severely restricted to members of families that had held them before. At the height of the system, any individual acceding to office had to demonstrate sixteen quarterings, that is, all of his great-great-great-grandparents had to have belonged to qualified families. Primogeniture never became an element of these systems. The canons had to remain celibate, so that the ones who made fortunes as officeholders could not be the ones who transmitted these fortunes to their offspring. Offices and wealth were passed on along separate routes from uncles to nephews. The families systematically reduced the number of marrying children both male and female, and established contracts that guaranteed that the property of the ones who pursued ecclesiastic careers would fall back to the offspring of the sibling who was designated to marry and have children.

We still know far too little about how new property arrangements affected patterns of cooperation and conflict within kin groups. A number of studies suggest that regimes of property devolution with a stress on patrilineality and other mechanisms of exclusion developed along with intrafamilial hierarchies, house discipline, and claims to authority that were less structured through individuals' positions outside their families than along the division of familial assets. Here, it largely depended on the main inheritor's authority whether his excluded siblings and children could marry, establish their own households, or invest into their own careers.<sup>32</sup> There are indications that the trend towards more exclusive systems of inheritance also changed the manners in which kinship and other types of relationship interacted. Examinations into clientage in urban societies with bilateral inheritance in the late Middle Ages found ample evidence of patron-client relationships between people who were not related through kinship and often only cooperated for a limited amount of time.<sup>33</sup> As opposed to this, studies into early modern clientage have detected patterns of patron-client relationships that were kept alive over several generations and reinforced by marriage alliances.<sup>34</sup> Against this background, new exclusive systems of

intergenerational transmission can be understood as elements in broader attempts to stabilize patterns of cooperation and to perpetuate relationships over several generations. A very important mechanism to maintain patron-client relations over several generations was offered by godparentage as the village study of Neckarhausen found for the period up through the mid eighteenth century.<sup>35</sup>

#### *Tensions between Representations and Practices*

The traditional story is that emerging state institutions had to compete with older, kin-based forms of social organization. However, some recent studies have demonstrated that state organization systematically had recourse to normative concepts of kinship and reinforced their significance. Simon Teuscher's study on the city of Bern in the fifteenth and sixteenth century found that patterns of mutual support and cooperation in most fields presented little evidence of a preference for kin. Informal cooperation was often characterized by situational constellations, in which neighbors and changing constellations of friends, patrons, and clients played a more important role. Yet, in normative statements, contemporaries often postulated far-reaching solidarity among kin. A marked pressure to act—or to appear to be acting—in accordance with these norms of kin-solidarity was only felt in situations that called for strongly formalized legitimization, such as decision making in the city council. Private letters reveal that a main concern of informal preparations for official decision making in the council was to legitimize alliances between various people by providing them with an appearance of being based on kinship.<sup>36</sup>

Larger kin groups could be mobilized for political purposes through their representation as descent groups, even though they did not share in property and were so internally differentiated that they had little everyday interaction. This is a point that both Christian Maurel and Joseph Morsel made in their respective studies on Marseillais citizens and the German lower nobility during the late Middle Ages. As in many other contemporary settings, the affiliation that was stressed in political contexts was the large patrilineal group of kin that shared the same surname and had a remote common ancestor. Maurel showed how such groups comprised very distinct families of different social and economic status who rarely had much to do with each other. Inheritance took place within, rather than between, such families. Nevertheless, these larger agnatic and patronymic groups did cooperate intensively to gain access to city-office, claims to which were thought of as residing with such groups as a whole.<sup>37</sup> In Morsel's study, the patrilineal *geschlechter* were less grounded in intensive cooperation

than in categories that were construed for the specific purposes of political classification and public representation.<sup>38</sup>

Particularly interesting in this respect are groups that highlighted patrilineal concepts of kinship despite the fact that they followed consistently bilateral patterns of inheritance. This is the case in the elites of the city of Bern in the period around 1500 or in the Swabian village of Neckarhausen during the eighteenth century.<sup>39</sup> There, David Sabeen observed that practices of naming children singled out patrilineal lines within a completely bilateral system of kin-reckoning and property devolution. Boys almost always received their names from their paternal kin, from their fathers or their paternal uncles. And girls received their names from their mothers and their paternal aunts. Sabeen relates this to village politics where, in spite of an electoral system, there emerged a trend for sons to succeed their fathers in offices.<sup>40</sup> In such cases, patrilineal concepts served as informal additions to the rules that shaped political constitutions.

\* \* \*

To sum up, between the High Middle Ages and the early modern period, we can observe varied but comparable trends toward more well-established family strategies as well as more consistent patterns of property devolution, succession to office, and political power. In the course of these developments, many social groups showed indications of a greater stress on either patrilineality or other modes of passing goods undivided from one generation to the other. The last few examples show that patrilineal orientations varied considerably and did not necessarily imply fully fledged dynastic forms of organizing kin. The exclusion of daughters and of younger sons often initially applied to those goods, the possession of which granted access to political privileges and to positions in formalized hierarchies. Which goods acquired such characteristics as core property was just as varied as the early modern political systems themselves. Some noble families rapidly went over to excluding daughters and younger sons from almost all of their assets. For others, patrilineal transmission continued to concern mainly intangible goods, such as names and affiliations to privileged groups, while the large remainder of a family's assets had no such implications and could be merged, converted, and evenly divided among multiple heirs. In both cases, transformations in the modes of property devolution were coordinated with changes in the political meaning of possessing certain goods. In the general, overall trend during the early modern period, we can discern an ever increasing organization of kinship relations structured vertically and hierarchically around restricted succession to office,



rank, and privilege and around ever more clearly regulated—and often more narrowly defined—inheritance practices. An individual's fate as well as his or her orientation within domestic space and within the network of related households, dynasties, lineages, and kindreds was largely established within the process of downwards devolution—whether through partible or impartible inheritance practices.

The research we have referred to does not support the common assumption that there was a general passage from rigidly structured kin-cooperation and vaguely structured state institutions to rigidly structured state institutions and weakened kingroups. On the contrary, the most diverse examples indicate a particular affinity between the stress on tight conceptions of kin organization and the formation of stable, highly formalized, and ultimately bureaucratic and state-like institutions. Both bureaucratic patterns and patrilineal or related forms of kin organization operate with stable hierarchies of functional roles (the heir, those admitted to and excluded from marriage, on the one side, the ruler, the holders of clearly defined offices, on the other) that can be filled according to predictable mechanisms by a succession of individuals. And both define relationships between roles along general criteria that can be verified without regard to subjective dispositions or agreements of the moment. Under this perspective, state formation and the realignment among kin and family appear as strongly interrelated developments at the passage from the Middle Ages to the early modern period.

At the passage to the early modern period, patrilineal and similarly exclusive conceptions of kin organization acquired an almost constitutional status. Although this in itself indicates a very significant social change, we should not overlook the normative character of kin conceptions that were “good to think with,” that lent themselves to describe the order of society and that therefore appear prominently in the sources. Such concepts stress the axis between fathers and sons, the exclusion of women from wealth and power, and the continuity of entities such as lordships, states, and offices that circulated according to rules that were unaffected by the logic of markets and considerations of the moment. Thus, focusing on patrilineality without asking about the practices by which it was brought about can reinforce overly simplistic images of the late Middle Ages and the early modern period as characterized by static, hierarchical, and patriarchal societies. A closer look reveals that even the perpetuation of radically patrilineal patterns of devolution seem, in reality, to have depended on complicated settlements among husbands and wives or sisters and brothers, and on sales or mortgages that allowed for paying dowries and compensations. It



was part of the transition we described that such aspects of the family organization were downplayed for purposes of representation, while the order of society was legitimized as the outcome of highly predictable mechanisms of succession and inheritance.

## Second Transition: At the Turn of the Modern Era

### *Capital, Credit, and Kin Cooperation*

During the eighteenth century, in places, from the early decades, but almost everywhere by around 1750, the structures stressing descent, inheritance, and succession, patriline, agnatic lineages, and clans, paternal authority, house discipline, and exogamy gradually gave way to patterns centered around alliance, sentiment, interlocking networks of kindred, and social and familial endogamy. By no means did notions of agnatic lines disappear, and there are many indications of new practices among the middle classes to gather together family archives, publish the letters of this or that aunt, and to celebrate family memory through elaborate genealogies, publication of memoirs, and festive gatherings.<sup>41</sup> In Germany, many families in the decades after 1870 went so far as to found legally registered societies (*eingetragene Vereine*), restricting membership to all the male descendants of a particular ancestor—almost always born in the early decades of the eighteenth century—and creating an organization complete with president, treasurer, secretary, and archivist.<sup>42</sup> There seems to have been a need to memorialize and periodically assemble agnatic cousins to the fourth, fifth, and sixth degrees, a matter that still awaits its historian.<sup>43</sup> Many of the practices of property devolution continued into the nineteenth century, such as the strict entail in England and the *fidei commissum* in Prussia, but nevertheless, there are several indicators of a transition—progressing in uneven fits and starts throughout Europe, and not carried out everywhere, even by the end of the nineteenth century—towards systems of inheritance that partitioned property and distributed wealth more equitably among the heirs.<sup>44</sup> The adoption of partible inheritance rules in the *code civile* put pressure on systems of closed succession throughout France and in territories far across the Rhine. Beginning in Spain after 1820, the *fidei commissum* was abolished in law, and throughout Europe during the nineteenth century, in legal discussion, political tracts, and novels, entails were attacked as economically, socially, and morally bankrupt.<sup>45</sup> In German states, like the newly constituted kingdom of Württemberg, bureaucrats thought that the forms of closed inheritance found in the freshly acquired territories inhibited development and a healthy economy.

The progressive dissolution of patrilineal systems of property devolution was probably mostly prompted by bourgeois concerns, by people whose wealth came to be centered more directly on money, credit, and exchange than on land, monopolies, and birthright. There was, of course, the problem of middle-class creditors face-to-face with systems of landed property tied up in legal complexities and not easily mobilized. But more importantly, the century between 1750 and 1850 witnessed a burgeoning of trade and industrial enterprise. Wealth flowed through different channels, and the issue for those undertaking risky adventures in mining, metallurgy, textile production, and international trade was not how to manage and capitalize on a property that had descended over several generations, but how to bring together investment capital through credit and assemble reliable staff or correspondents.<sup>46</sup> This necessitated skills of persuasion, networks of friends and allies willing to commit resources to new ventures, and the kind of intimate relations necessary to train the new generation, circulate information, provide advice and advocacy, and fulfill positions of trust. It was, of course, not just a matter of middle-class economic dynamics that led to the mobilization of wealth. Many landlords of the period needed capital in order to invest in agricultural improvement, became subject to land, credit, and commodity markets, and cultivated mechanisms to survive bankruptcy socially.

There was no single response on the part of family and kin to the new dangers and opportunities that came in the wake of the capitalization of agriculture, the expansion of industry, and the intensification of regional, interregional, and international exchange. Kinship structures are not dependant variables, but innovative and creative responses to newly configured relationships between people and institutions and around the circulation of goods and services. Therefore, there could be many different ways of developing patterns of interaction, cultivating networks, and evolving systems of reciprocity. "Kinship and the alliance system of the nineteenth century were crucial for concentrating and distributing capital; providing strategic support over the life of individuals; structuring dynasties and recognizable patrilineal groupings; maintaining access points, entrances, and exits to social milieus through marriage, godparentage, and guardianship; creating cultural and social boundaries by extensive festive, ludic, competitive, and charitable transactions; configuring and reconfiguring possible alliances between subpopulations; developing a training ground for character formation; shaping desire and offering practice in code and symbol recognition ... training rules and practices into bodies; and integrating networks of culturally similar people."<sup>47</sup>

There are many examples of how this worked, but we can take one English instance of a nineteenth-century entrepreneurial family—the Courtaulds—studied in a classic work by D. C. Coleman.<sup>48</sup> The development of the family textile industry was based on a supply of cash and credit provided by a fairly extensive network of family and friends.<sup>49</sup> Capital was accumulated through such connections throughout Europe, and it is not until very late in the century when access to finance capital began no longer to be found primarily among family and friends.<sup>50</sup> Coleman's study demonstrates the reliance on family, not only for the many management positions, but also for a range of other positions in the expanding firm. The intense familial intercourse went well beyond business, however, as members attended the same Unitarian chapels and carried on a vigorous correspondence full of religious ideas. And of course, the cultural foundation of familial exchange was also expressed in considerable political activity. In short, the family was embedded in a particular milieu of radical dissent, which they also actively maintained and helped construct.<sup>51</sup> It was from within this milieu that they married, that they found their creditors, and that they recruited the personnel to direct and manage their business enterprise. In all of this, kinship played a central role. The generation senior to the founding of the firm (1828) made multiple alliances between a few families (all Unitarian) in the later decades of the eighteenth century, with some of the first connections going back to an earlier period of apprenticeship of the men. Their children intermarried, creating a series of ever repeated alliances that lasted through the century. Brothers, brothers-in-law, cousins, fathers and sons, uncles and nephews cooperated in religion, politics, and business. Sisters, aunts, mothers, and female cousins provided capital (they received equal inheritances in each generation), and, although Coleman does not go into their lives in any detail, it is clear that they were not at all passive in family politics, and we suspect that they were central figures in constructing the alliances that determined the flow of resources, the promotion of individuals, and the coherence of their particular milieu. Certainly they were active correspondents with their male family members. In any event, the history of the family offers a fine example of the way in which social endogamy closely articulated with familial endogamy.

Similar dynamics can be found throughout property-holding classes across Europe from the mid eighteenth century to the eve of World War I. Many different strategies of kinship interaction can be found, but we are barely at the stage of describing and analyzing any of them, let alone being able to map the different possibilities by region, class, or occupation. We already know that a particular region could employ

several different strategies of alliance according to occupation and property.<sup>52</sup> In separate studies of a south German village and the rural Neapolitan hinterland, the authors argued that the development of rapidly expanding land markets and reconfigurations in political dynamics from the mid eighteenth century were closely tied up with new forms of familial alliance, which not only made for ever tighter endogamy within kingroups but also ever more controlled marriage within wealth strata.<sup>53</sup>

#### *New Elite and Cousin Marriage*

The articulation of kinship structures with the destabilizing conditions of the market, economic and class differentiation, and entrepreneurial opportunity is only part of the story. We have suggested that the “property” around which family hierarchies were constructed, life chances allocated, and patriline crystallized from the late Middle Ages onward could take many forms, from peasant farms and noble estates to ecclesiastical prebends, royal offices, and membership in urban patriciates, guilds, and noble caste structures. The complex state reforms associated with the turn of the nineteenth century brought an end to almost all these forms of familial privilege. The French Revolution, by putting an end to the sale of office, necessitated new forms of recruitment, promotion, and tenure, and encouraged a new political culture throughout the regions and urban centers of France. In Württemberg, to give a German example, while there was no expectation in the eighteenth century for any particular office to descend along a patriline, a small number of families controlled access to office—even the Protestant pastorate became a closed hereditary caste—and critique of “old corruption” was already strong by the mid eighteenth century.<sup>54</sup> After the reconfiguration of the realm in 1815, constitutional battles surged around the issue of the relation of private interest to the public exercise of office, with the champions of a revised administrative monarchy winning the battle in the post-1815 decade. An administrative apparatus divorced in principle from private familial interests was constructed under King Wilhelm I. We have already discussed the noble families that controlled the cathedral chapters in the extensive ecclesiastical territories in northwest Germany and the Rhineland. As these territories were integrated in the newly constructed secular states during and after the Napoleonic era, the older rights to office were abolished.<sup>55</sup> As in France, one can speak here of a shift to a system of “careers open to talent.” In 1811, the aristocratic control of accession to office in municipal governments in Spain was abrogated.<sup>56</sup> Or, for another example, after 1765, the Austrian authorities reorganized the government in Lombardy,

ending the formal predominance of the patricians.<sup>57</sup> Thus, in all of these states, the older, closed, caste-like structures gave way to reconfigured regional elites whose kinship dynamics relied less on the devolution of specific goods and titles than on the maintenance of well-integrated networks and multiple exchanges between allied families. Wherever we look, the class of bureaucrats and officials reproduced itself, no longer through devolution, but through an open system of exchange, with allied families building a culture from within which each generation succeeded the other. The new order did indeed require talent, which in turn was channeled through connection and networking. Describing the change here as a shift from vertically structured to horizontally structured familial dynamics is a loose but effective way to characterize the nature of the reconfiguration.<sup>58</sup>

The changes we have delineated in the economy and state have most often been brought under the general concept of “modernization.” And the story of modernization has included the rise of the nuclear family and the cutting off of extensive kinship ties. What we are suggesting, however, is just the opposite. The transition to the nineteenth century is characterized by the construction of systematic, repeated alliances between families, patriline, or agnatically constructed groups, recognized by a common surname—however one wants to describe them—who, over many generations, contracted repeated marriages, circulated godparents, and took over offices of guardianship, tutelage, and legal representation, creating tight bonds of reciprocity, extensive overlapping kindreds, and networks of kin recognition well beyond what most of us can imagine for ourselves today. At the heart of the system was cousin marriage, and cousins were repeatedly turned into brothers- and sisters-in-law and spouses.

Coincidental with the shifting nature of political and economic relations of elites, landholders (from noble to peasant), merchants (from capitalist entrepreneur to petit bourgeois), and officeholders, there was a fundamental alteration in the ways that families could connect with each other. Ecclesiastical and state law in continental Europe had forbidden marriage between quite extended relatives. In Catholic countries, according to canon law, a person could not marry within the circle bounded by third cousins without a dispensation. Nor could one marry into the same kindred a second time; one could not marry up to and including a third cousin of a deceased spouse. Most Protestant states (except England) kept the same formal system, but stepped the prohibition back one notch to second cousins, and until late in the seventeenth century, did not allow dispensations on a regular basis. The system of prohibitions made it impossible for families to continue

alliances between themselves in the following two or three generations, and what little detailed study of genealogies there is shows that families did not continue alliances in the fourth or fifth generation either. There was no impulse to construct alliances over many generations at all.<sup>59</sup> In England, too, there is little evidence through the seventeenth century of repeated consanguineal marriages.

Throughout Europe, the typical alliance between two families had to be one of "strangers." There were indeed various strategies for linking families together, and in French scholarship one such strategy has come to be called "re chaining."<sup>60</sup> Some of the patterns that have been found include a marriage that closes a circle of three or four sets of in-laws, a marriage between a father/son pair and a mother/daughter pair (or uncle/nephew with an aunt/niece pair), or two cousins with two siblings.<sup>61</sup> Nonetheless, such forms of alliance can be understood as reinforcing certain intragenerational connections, but they do not and cannot lead to continuous solidarities over several generations utilizing the same forms. Indeed, most studies so far suggest that these kinds of marriages are often to be understood in terms of patron/client relations, linking households of unequal status together.<sup>62</sup>

From around the middle of the eighteenth century, pushed from below, the older prohibitions became subject to pro forma dispensations or were abrogated altogether. From that period onwards throughout Europe and in all property holding groups, endogamous marriages were part of the reconfiguration of kinship. Forms of alliance that had previously been considered as incestuous, such as marriage with the deceased wife's sister or with a niece, or were simply prohibited, such as first and second (or third) cousins, became fully acceptable and made up part of the overall strategies of noble, middle class, and peasant families.<sup>63</sup> First cousin marriages reiterate an alliance from the previous generation, while second cousin marriages repeat an alliance first struck by grandparents. Yet, when one looks at a genealogy as a whole, one finds that in any particular generation, both first and second cousin marriages can be found; two siblings might marry two siblings, and various other connections might occur that link two patrilineal lines that are not directly consanguineal. That is, families frequently put together several marriages in each generation, linking them through varied paths, but all with the same intention to draw the bonds between them ever tighter. And also, very important were remarriages that repeated the same alliance (with the deceased spouse's sibling, sibling's child, or cousin). All these marriages created a dense set of exchanges linking families over several generations, reinforced by godparentage, guardianship, capital transfers, religious and political activity, family festivals, exchanges

of children for education, socialization, or care, and many more transactions that are amply documented in the literature.<sup>64</sup> Along with this closeness based on familiarity came a stronger appreciation of romantic love, emotional accord, and similarity of personality as the basis of legitimate marriage. This was by no means contrary to economic considerations: the flow of sentiment and the flow of money operated in the same channels.<sup>65</sup> We have already seen how the Courtauld family entered into alliances within tightly knit religious association and a circle of political fellows. But they also allied themselves with the same families over many generations. George Courtauld and William Taylor were apprentices together in the 1770s. They married one another's sisters: "From these two marriages came most of the partners or directors for a century."<sup>66</sup> The next generation found several first cousin marriages, and two Taylor/Courtauld cousins married with a new family (Bromley siblings), with a subsequent marriage to a deceased wife's sister. After some Courtaulds or their allied family members made new marriages with other families, such as the Bromleys, the following generation found either fresh cousin marriages or other exchanges among the newly allied lines. In more than one case, a man marrying a cousin found he was also doubly her brother-in-law. The political, religious, social, and business milieu was fostered by intense traffic for well over a century within a set of allied families.<sup>67</sup>

*Tensions between representation and practice*

We are arguing that a tight, endogamous pattern of alliance can be seen as modern, not archaic, certainly in the sense of being developed during a period of capitalized agriculture and wage-labor, protoindustrialized and industrialized production, and state rationalization. It was also tied to the transformation of class relations throughout Western society: class *differentiation* went hand in hand with kin *integration*. In a period of rapid population increase, undergoing capitalization and intensification of agricultural and industrial labor; where class differentiation was increasing and the pains of harsh economic cycles and subsistence crises were sharply felt; where regional mobility was increasing and the villages, small towns, and cities were becoming economically more integrated into wider markets; where property holdings were becoming decimated and subject to rapid turnover or landholders becoming subject to credit and commodity markets; and where pauperization came to characterize large swathes of the population and affect the pattern of social relations—with all this going on, property holders of all scales, officials, and petits bourgeois consolidated and extended the system of marriage alliances developed in the fifth, sixth, and seventh decades of the eighteenth century.

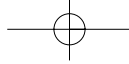


The question arises, why, since there was considerable knowledge and discussion about close, consanguineal marriages—increasingly during the nineteenth century—among medical practitioners, biologists, and geneticists, there was practically no notice taken of the phenomenon among sociologists. Novelists showed no hesitation to understand social milieus in terms of the close interaction of kindreds and frequently pointed to the strategic importance of marriages among such social groups linking families together that already had many such links from earlier generations. Perhaps the explanation lies in a triple distortion of perception derived from the dominant binaries of public and private, male and female, and culture and savagery (or civilized and primitive). With everything relegated to the private, familial, domestic sphere coded as female, male sociologists were not very much interested in investigating that area of secondary importance. But they also designed sociology as a science of the civilized, cultured, and modern societies (the West) and developed anthropology for the natural, primitive, or savage peoples (the rest). Sociology might deal with the “family,” the relationships, sentiments, and moral dimensions of the stripped down, paternal, nuclear unit thought to be central to European/American advanced societies, leaving anthropology to deal with “kinship,” the strange marriage practices of the estranged other world. With kinship coded as private, female, and primitive, it could only be a residual category of the West’s past.

The old story of the rise of the nuclear family and the decline of the importance of kinship is not simply innocent. It has been used as the model that all modernizing economies and societies are held up to. Their present has been understood to be our past. The history of the family is part of the history of the rise of the Western individual, cut loose from the responsibilities of kin, and cut out for the heroic task of building the self-generating economy. In the story that Western sociologists told themselves, kinship became the property of primitive societies and part of the specialization of the disciplines; anthropology for them and history for us. Lewis Henry Morgan was the first prophet, inventing the system of kinship calculations of primitives for both socialists (Marx and Engels) and sociologists, all the time being married to his first cousin and watching his son make a similar alliance. And Weber contracted a “conventional” cousin marriage after turning down two other cousins.<sup>68</sup> The hidden past of Western arguments about the necessary connection between development and rational family configurations lies in repressed consciousness about self and curious projection about the other.

Our argument here is that European kinship systems were reconfigured in the half century after circa 1750. Even though we are well





aware that the mapping of kinship systems in Europe is just at its inception, it is hard to overlook the central importance of cousin marriages and repeated consanguineal endogamy, homogamy, and familial-centered construction of cultural and social milieus. This in itself contradicts the traditional story of European modernization—the new kinship dynamics were crucial for the construction of local milieus and thereby contributed to the formation of classes in the nineteenth century, they were the fundamental resource for capital accumulation and business enterprise, and they were the mechanism for political elites and officials to reproduce themselves.

## Conclusion

In this introduction, we have pointed to the importance of understanding kinship for analyzing some of the salient features of European history since the late Middle Ages. With all due caution and with as much complexity as possible in the space available to us, we have suggested a broad, but coordinated periodization for a phenomenon that has so far been described in terms of decline rather than of qualitative change. The process of modernization in Europe had a first phase (the “early” modern), which saw the birth of modern fiscal regimes, bureaucracies, armies, legal codes, political theory, and dogmatic theology, to name some of the most important forces that together shaped the new, emerging state forms of “absolutism,” sometimes “enlightened” and sometimes not. Historians have understood that property regimes were implicated in all of the crucial changes. Derouet has shown how quite different political regimes at the village level were coordinated with different forms of property devolution, and most recently, Delille has shown how across Southern European estate systems, practices of property devolution, state governance, officeholding, and violence in their often kaleidoscopic interactions with each other in regional and local complexes can be examined to revise our understanding of the fundamental historical processes thoroughly. Kinship is central to the project, and in this first phase, it resonated closely with “property,” practiced and thought of as something that continued down along the generations and around which families, lineages, and dynasties constructed their hierarchies and alliances. States, economies, and societies entered into a second metamorphosis around the middle of the eighteenth century, with wealth, credit, and capital channeled in new ways, and states emerging that could no longer tolerate the colonization of their “public” institutions by private families. As a result, alliances came

to be redrawn, and the private life of coordinated families became the fertile ground for constructing classes, reproducing the grasp of elites on the levers of the emerging nation states, and providing the funds, material, and personnel for improving landlords, capitalist merchants, and industrial producers.

We are well aware that we are providing here only the first crude maps of the terrain of kinship, and it seems to us that there are four tasks that lie ahead for research into this promising area. (1) There needs to be more research that specifies the different ways in which kin could operate or be mobilized by region, class, and occupation. Some time ago, Martine Segalen already dealt with a region of leaseholders in the west of France that, during the nineteenth century, did not construct consanguineal alliances, as we have talked about here, but constant overlapping linkages, creating chains of in-laws, constituting dense, regional “kindreds” crucial for access to information, land, marriage partners, and labor opportunities. Or to give another example, Werner Mosse suggested that among Central European Jewish banking families, two or three basic patterns of kinship emerged that both set the groups of allied families off from each other and created close ties of cooperation within them—with each kinship network being constructed on different principles.<sup>69</sup> We also need to look more into the links between the nature of material and immaterial goods (lordship, offices, education, capital assets) and the patterns of their distribution and devolution among kin. (2) Kinship, whether studied by anthropologists or by historians, is subject to quite different national traditions of analysis. Despite all the criticism by Foucault and Bourdieu, among others, the French tradition seeks out structures and concentrates most centrally upon marriage and marital exchange. The British tradition was always concerned with behavior and with the “web” of relations among kin. There were many attempts among anthropologists to combine alliance theory of the French with the understanding of group recruitment among the English, but a great deal more needs to be done to think through the two traditions for historical research. Marriage in Europe, especially where there is no divorce, shapes lasting relations and provides a long-term element for attaching and detaching individuals, houses, and kindreds. One way to get at the dynamics of kin would be to examine crucial dyads in the various societies, looking at the interaction of brothers, brothers and sisters, fathers and daughters, and so forth, in a systematic and comparative way. We cannot leave the analysis of primogeniture simply to the privileging of the eldest son without looking at the lives of the cadets/cadetters. There needs to be considerable more research into the resources available to women and younger

sons. Here, the British tradition in anthropology of stressing “jural” relations could lead to the fruitful examination of rights and duties, claims and obligations, of the different kinds of kin. (3) Another important matter to consider is the role of the state in the shaping of kin and the role of kin in the shaping of the state. We have already made a great deal out of the way landed property in the early modern period was intimately related to and frequently hardly distinguished from public property. In regimes where the sale of office developed, such as Spain and parts of France, quite different familial dynamics were available than in southern Italy, where access to office was related to closed “castes.” In the nineteenth century, sharper distinctions between the private sphere and public state function were made, and yet the class of bureaucrats reproduced itself through the same families. Exploring how this was possible will probably lead us to local, regional, and national kin structures and patterns of alliance as complex as those in Renaissance and Baroque Europe. A related topic is the relation between kinship organization and changes in ecclesiastic and secular law. The period we have covered is one of the formalization, uniformization, and codification of legal systems, which went along with the emergence of new concepts of normativity that also must have affected the manner in which obligations to kin, inheritance rules, and incest regulations were understood. (4) One of the most promising areas of research is the way kinship and gender interact with each other. As a result of the exclusion of woman from landed property in many areas of Europe, women tend to disappear from the historical picture. Yet, we know increasingly from the consideration of aristocratic and ruling families that women were active participants in government and in the construction of alliances. In the nineteenth century, it appears that the construction of alliances among property holding groups from the petite bourgeoisie to the new regional aristocracies was largely in the hands of women, who carried on vast correspondences and labored at the integration of allied families, looking out for the educational and professional interests of the youth, and helping with the accumulation of the necessary capital for all kinds of enterprises. Mapping kinship from the perspective of women will probably open up a new understanding of what constitutes the political and lead to another way of breaking up the clean line between public and private.

## Notes

1. Cf. Bernard Derouet, "Les pratiques familiales, le droit et la construction des différences (15e-19e siècles)," *Annales HSS* 52 (1997): pp. 369–91; Eileen Spring, *Law, Land, and Family: Aristocratic Inheritance in England, 1300 to 1800* (Chapel Hill and London, 1993), pp. 3–4.
2. For the latest and most stimulating introduction to this for all of southern Europe, see Gérard Delille, *Le maire et le prieur: Pouvoir central et pouvoir local en Méditerranée occidentale (xve-xviii siècle)* (Paris, 2003).
3. Lawrence Stone, *The Family, Sex and Marriage in England 1500–1800* (London, 1977), pp. 132–35; Jacques Heers, *Le clan familial* (Paris, 1974), pp. 129–35, 265. This argument has been made again, although, in a less apodictic form, by David Gaunt, "Kinship: Thin Red Lines of Thick Blue Blood," in *The History of the European Family*, ed. David I. Kertzer and Marzio Barbagli (New Haven, 2001), vol. 1, pp. 257–87.
4. Karl Schmid, "Zur Problematik von Familie, Sippe und Geschlecht, Haus und Dynastie beim mittelalterlichen Adel. Vorfragen zum Thema 'Adel und Herrschaft im Mittelalter,'" *Zeitschrift für Geschichte des Oberrheins* 105 (1957): pp. 1–62; Gerd Tellenbach, "Vom karolingischen Reichsadel zum deutschen Reichsfürstenstand," in *Herrschaft und Staat im Mittelalter*, ed. Hellmut Kämpf (Darmstadt, 1956), pp. 190–242; Georges Duby, "La noblesse dans la France médiévale: une enquête à poursuivre," *Revue historique* 226 (1961): pp. 1–22; Georges Duby, "Lignage, noblesse et chevalerie au XIIe siècle dans la Région maconnaise. Une révision," *Annales ESC* 27 (1972): pp. 803–23. For overviews on recent contributions to the debate: Martin Aurell, "La parenté en l'an mil," *Cahiers de civilisation médiévale* 43 (2000): pp. 125–42; Dieter Mertens and Thomas Zotz, "Einleitung der Herausgeber," in *Karl Schmid. Geblüt, Herrschaft, Geschlechterbewusstsein: Grundfragen zum Verständnis des Adels im Mittelalter. Aus dem Nachlass herausgegeben*, ed. Dieter Mertens and Thomas Zotz (Sigmaringen, 1998), pp. IX–XXXIII, here pp. XVIII–XXVIII; Janet Nelson, "Family, Gender and Sexuality in the Middle Ages," in *Companion to Historiography*, ed. Michael Bentley (London, New York, 1997), pp. 153–76, here pp. 160–64.
5. Aurell, "Parenté," p. 135.
6. Anita Guerreau-Jalabert, Régine Le Jean, and Joseph Morsel, "Familles et parents. De l'histoire de la famille à l'anthropologie de la parenté," in *Les tendances actuelles de l'histoire du Moyen Âge en France et en Allemagne*, ed. Jean-Claude Schmidt and Otto Gerhard Oexle (Paris, 2002), pp. 433–46; Anita Guerreau-Jalabert, "La désignation des relations et des groupes de parenté en latin médiéval," *Archivum Latinitatis Medii Aevii* 46/7 (1988): p. 92f; Anita Guerreau-Jalabert, "Sur les structures de parenté dans l'Europe médiévale (Note critique)," *Annales ESC* (1981): pp. 1028–49, here pp. 1030–31, 1043–44; Simon Teuscher, *Bekannte—Klienten—Verwandte. Soziabilität und Politik in der Stadt Bern um 1500* (Cologne, Weimar, Vienna, 1998), pp. 75–84; Joseph Morsel, "Geschlecht als Repräsentation. Beobachtungen zur Verwandtschaftskonstruktion im fränkischen Adel des späten Mittelalters," in Otto Gerhard Oexle and Andrea von Hülsen-Esch, eds., *Die Repräsentation der Gruppen. Texte—Bilder—Objekte* (Göttingen, 1998), pp. 259–325, here pp. 263–70, 308–10; Juliette M. Turlan, "Amis et amis charnels. D'après les actes du parlement au XIVe siècle," *Revue historique du droit français et étranger* 47 (1969): pp. 645–98.

7. On the issues of marriage prohibitions and the reckoning of kinship, David Warren Sabeau, *Kinship in Neckarhausen* (New York, 1998), pp. 63–89; Guerreau-Jalabert, “Sur les structures,” pp. 1033–38.
8. Joanna H. Drell, *Kinship and Conquest: Family Strategies in the Principality of Salerno during the Norman Period 1077–1194* (Ithaca, 2002), pp. 90–121; Aurell, “Parenté,” p. 133; Teofilio Ruiz, *From Heaven to Earth: The Reordering of Castilian Society, 1150–1350* (Princeton, 2003), pp. 87–109.
9. Anita Guerreau-Jalabert, “Parenté,” in *Dictionnaire raisonné de l'Occident médiéval*, ed. Jacques Le Goff and Jean-Claude Schmitt (Paris, 1999), pp. 861–76, here pp. 862–66; Guerreau-Jalabert, “Familles et parents,” pp. 438–40.
10. On this distinction compare Guerreau-Jalabert, “sur les structures”; Derouet, “Pratiques familiales.”
11. David Warren Sabeau, “Aspects of Kinship Behaviour and Property in Rural Western Europe Before 1800,” in *Family and Inheritance: Rural Society in Western Europe 1200–1800*, ed. Jack Goody, Joan Thirsk, and E. P. Thompson (Cambridge, 1976), pp. 96–111.
12. Martha C. Howell, *The Marriage Exchange: Property, Social Place, and Gender in Cities of the Low Countries 1300–1550* (Chicago, 1998).
13. Howell found some indicators that similar shifts of marital property regimes took place in several places of contemporary Northern Europe; Howell, *Marriage*, pp. 234–35.
14. Simon Teuscher, “Kompilation und Mündlichkeit. Herrschaftskultur und Gebrauch von Weistümern im Raum Zürich (14–15. Jh.),” *Historische Zeitschrift* 273 (2001): pp. 261–78; Martine Grinberg, “La rédaction des coutumes et les droits seigneuriaux: nommer, classer, exclure,” *Annales HSS* 52 (1997): pp. 1017–38; Derouet, “Pratiques familiales,” pp. 370–72; Rolf-Dieter Hess, *Familien- und Erbrecht im württembergischen Landrecht von 1555 unter besonderer Berücksichtigung des älteren württembergischen Rechts* (Stuttgart, 1968).
15. Early modern systems of partible inheritance have been discussed for the southern German village of Neckarhausen by Sabeau, *Kinship*, and in comparative perspective with France by Derouet, “Pratiques familiales,” pp. 370–72.
16. Derouet, “Pratiques familiales,” pp. 370–72.
17. Spring, *Law, Land, and Family*, p. 93.
18. Spring, *Law, Land, and Family*, p. 144.
19. Spring, *Law, Land, and Family*, chap. 5.
20. Spring, *Law, Land, and Family*, pp. 50–52.
21. Karl-Heinz Spiess, *Familie und Verwandtschaft im deutschen Hochadel des Spätmittelalters. 13. bis Anfang des 16. Jahrhunderts* (Stuttgart, 1993).
22. Cordula Nolte, “Der kranke Fürst. Vergleichende Beobachtungen zu Dynastie- und Herrschaftskrisen um 1500, ausgehend von den Landgrafen von Hessen,” *Zeitschrift für historische Forschung* 27 (2000): pp. 1–36.
23. Morsel, “Geschlecht,” pp. 259–325.
24. E. Igor Mineo, *Nobilità di Stato: Famiglie e identità aristocratiche nel tardo medioevo: La Sicilia* (Roma, 2001).
25. Elisabeth Claverie and Pierre Lamaison, *L'impossible mariage. Violence et parenté en Gévaudan, xviiie, xviiiie, xixe siècle* (Paris, 1982). See the detailed analysis of their material in Sabeau, *Kinship*, pp. 407–16. Bernard Derouet, “Parenté et marché foncier à l'époque moderne: une réinterprétation,” *Annales HSS* 56 (2001): pp. 337–68, here pp. 350–59; Bernard Derouet, “La transmission égalitaire du patrimoine dans la France rurale (xvie-xixe siècles): Nouvelles perspectives de recherche,”

- in *Familia, casa y trabajo: Historia de la Familia*, 3 vols., ed. F. Chacón Jiménez (Murcia, 1997), vol. 3, pp. 73–92, here pp. 89–90; Bernard Derouet, “Territoire et parenté. Pour une mise en perspective de la communauté rurale et les formes de reproduction familiale,” *Annales HSS* 50 (1995): pp. 645–86, here p. 685; Bernard Derouet, “Le partage des frères: Héritage masculin et reproduction sociale en Franche-Comté aux xviii<sup>e</sup> et xix<sup>e</sup> siècles,” *Annales ESC* 48 (1993): pp. 453–74; Bernard Derouet, “Pratiques successorales et rapport à la terre: Les sociétés paysannes d’ancien régime,” *Annales ESC* 44 (1989): pp. 173–206, here pp. 174–75, 176–77, 191–96; Bernard Derouet and Joseph Goy, “Transmettre la terre: Les inflexions d’une problématique de la différence,” *Mélanges de l’école française de Rome. Italie et Méditerranée (MEFRIM)* 110 (1998): pp. 117–53.
26. Derouet, “Pratiques successorales,” pp. 176, 191–92; Derouet, “Parenté et marché foncier,” pp. 352–53; Bernard Derouet and Joseph Goy, “Transmettre la terre,” pp. 119–20.
  27. H. J. Habakkuk, “England,” in *The European Nobility in the Eighteenth Century. Studies of the Nobilities of the Major European States in the Pre-Reform Era*, ed., Albert Goodwin (London, 1953), pp. 1–21, here p. 3.
  28. Raymond Carr, “Spain,” in Goodwin, *The European Nobility*, pp. 43–59; H. G. Schenk, “Austria” in *ibid.*, pp. 102–25; C. A. Macartney, “Hungary” in *ibid.*, pp. 126–39.
  29. J. M. Roberts, “Lombardy,” in *ibid.*, pp. 60–82.
  30. Delille, *Le maire*. See also Gérard Delille, “Echanges matrimoniaux entre lignées alternées et système européen de l’alliance: un premier approche,” in *En substances. Textes pour Françoise Héritier*, ed. Jean-Luc Jamard, Emmanuel Terray and Margarita Xanthakou (Paris, 2000), pp. 219–52; Gérard Delille, “Consanguinité proche en Italie du XVI<sup>e</sup> au XIX<sup>e</sup> siècle,” in *Epouser au plus proche. Inceste, prohibitions et stratégies matrimoniales autour de la Méditerranée*, ed. Pierre Bonte (Paris, 1994), pp. 323–40; Gérard Delille, *Famille et propriété dans le royaume de Naples (xve-xixe siècle)* (Rome, 1985).
  31. Heinz Reif, *Westfälischer Adel 1770-1860: vom Herrschaftsstand zur regionalen Elite* (Göttingen, 1979); Christophe Duhamelle, *L’héritage collectif. La noblesse d’Église rhénane, 17e-18e siècles* (Paris, 1998).
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  33. Teuscher, *Bekannte*, pp. 135–79.
  34. Wolfgang Reinhard, “Oligarchische Verflechtung und Konfession in oberdeutschen Städten,” in *Klientelsysteme in Europa der frühen Neuzeit*, ed. Antoni Maczak (München, 1988), pp. 47–62, here pp. 55–57; Sabean, *Kinship*, pp. 141, 143–47, 158, 174; Delille, *Famille et parenté*, pp. 350–75; Volker Press, “Patronat und Klientel im Heiligen Römischen Reich,” in Maczak, *Klientelsysteme*, pp. 19–46, here p. 20.
  35. Sabean, *Kinship*, pp. 143–47.
  36. Teuscher, *Bekannte*, pp. 84–113.



37. Chistian Maurel, "Structures familiales et solidarités lignagères à Marseille au XVe siècle: autour de l'ascension sociale des Forbin," *Annales ESC* 41 (1986): pp. 658–82.
38. Morsel, "Geschlecht," pp. 259–325, here pp. 297–317.
39. Simon Teuscher, "Parenté, politique et comptabilité. Chroniques familiales du Sud de l'Allemagne et de la Suisse autour de 1500," *Annales HSS* 58 (2003): pp. 847–58.
40. Sabeen, *Kinship*, pp. 239, 256–60, 370–73, 559–71; David Warren Sabeen, "Exchanging Names in Neckarhausen around 1700," in *Theory, Method, and Practice in Social and Cultural History*, ed. Peter Karsten and John Modell (New York, 1992), pp. 199–230.
41. On celebratory familial writing, see Tamara Michelle Zwick, "The Correspondence Between Public and Private: Women, Kinship, and Bürgertum in Early Nineteenth-Century Hamburg," (Ph.D. diss., UCLA, 2004); Dieter Barth, "Das Familienblatt—ein Phänomen der Unterhaltungspresse des 19. Jahrhunderts," *Archiv für Geschichte des Buchwesens* 15 (1975): pp. 121–316. See also Marion Kaplan, *The Making of the Jewish Middle Class: Women, Family, and Identity in Imperial Germany* (New York, 1991); Elisabeth Joris and Heidi Witzig, *Brave Frauen, aufmüpfige Weiber: Wie sich die Industrialisierung zur Alltag und Lebenszusammenhänge von Frauen auswirkte (1820-1940)* (Zürich, 1992); Gunilla-Friederike Budde, *Auf dem Weg ins Bürgerleben: Kindheit und Erziehung in deutschen und englischen Bürgerfamilien 1840-1914* (Göttingen, 1994); Jürgen Kocka, "Familie, Unternehmer und Kapitalismus: An Beispielen aus der frühen deutschen Industrialisierung," *Zeitschrift für Unternehmensgeschichte* 24 (1979): pp. 99–135.
42. Sabeen, *Kinship*, p. 452. These associations usually included in their membership the wives of the male descendants as well as their daughters (but not their daughters' children)—somebody had to do the work!
43. A good example for all of this is Uta v. Delius's genealogical work based on her keeping of the extensive family archives of the Delius family, with indications of the periodical family gatherings that continue till today, *Deutsches Geschlechterbuch. Genealogisches Handbuch bürgerlicher Familien*, vol. 193 (Limburg an der Lahn, 1987). For a noble family with an *eingetragener Verein*, see Rüdiger von Treskow, "Adel in Preussen: Anpassung und Kontinuität einer Familie 1800-1918," *Geschichte und Gesellschaft* 17 (1991): pp. 344–69.
44. Albert Goodwin, "Prussia," in idem, *Nobility*, pp. 83–101, here p. 97. Spring, *Law, Land and Family*, pp. 95–97, 113.
45. Raymond Carr, "Spain," in Goodwin, *Nobility*, pp. 43–59, here p. 54. See the important work by Ulrike Vedder, "Majorat: Literature and Law of Succession in the 19th Century," in *A Cultural History of Heredity II: 18th and 19th Century*, ed. Hans Jörg Rheinberger and Staffan Müller-Wille (Berlin, 2003), pp. 175–86.
46. Among the many works to consult, Friedrich Zunkel, *Der Rheinisch-Westfälische Unternehmer 1834-1879: Ein Beitrag zur Geschichte des deutschen Bürgertums im 19. Jahrhundert* (Köln, 1962); Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class 1780-1850* (Chicago, 1991); Philipp Sarasin, *Stadt der Bürger. Bürgerliche Macht und städtische Gesellschaft* (Göttingen 2. Aufl., 1997), pp. 91–136, 198–215; Jon Mathieu, "Verwandtschaft als historischer Faktor. Schweizer Fallstudien und Trends, 1500-1900," *Historische Anthropologie* 10 (2002): pp. 225–244.
47. Sabeen, *Kinship*, p. 451.

48. D. C. Coleman, *Courtaulds: An Economic and Social History, Volume 1: The Nineteenth Century: Silk and Crape* (Oxford, 1969). For a larger view on the issues adumbrated here, see Davidoff and Hall, *Family Fortunes*.
49. Coleman, *Courtaulds*, p. 106.
50. Coleman, *Courtaulds*, pp. 150, 182–210. See Zunkel, *Unternehmer*, pp. 9–23, 72–73, 94–95; Kocka, “Familie, Unternehmer und Kapitalismus”; Manfred Pohl, *Hamburger Bankengeschichte* (Mainz, 1986), p. 29; Brigitte Schröder, “Der Weg zur Eisenbahnschiene. Geschichte der Familie Remy und ihre wirtschaftliche und kulturelle Bedeutung,” in *Deutsches Familienarchiv. Ein genealogisches Sammelwerk*, 91 (Neustadt an der Aisch, 1986), pp. 3–158, here p. 53; E. Rosenbaum and A. J. Sherman, *M.M. Warburg & Co. 1798–1938: Merchant Bankers of Hamburg* (New York, 1979), pp. 1–20; Hartmut Zwahr, “Zur Klassenkonstituierung der Bourgeoisie,” *Jahrbuch für Geschichte* 18 (1978): pp. 21–83.
51. Coleman, *Courtaulds*, pp. 203–9.
52. One of the few studies to explore the issue is Jacqueline Bourgoïn and Vu Tien Khang, “Quelques aspects de l’histoire génétique de quatre villages pyrénéens depuis 1740,” in *Population* 33 (1978), pp. 633–59.
53. Sabean, *Property*, pp. 355–415; Delille, *Famille et propriété*, pp. 365–77.
54. Erwin Hölzle, *Das alte Recht und die Revolution. Eine politische Geschichte Württembergs in der Revolutionszeit 1789–1805* (Munich and Berlin, 1931), pp. 29, 104, 110–2; G.W.F. Hegel, “Ueber die neuesten innern Verhältnisse Württembergs besonders über die Gebrechen der Magistratsverfassung,” in Georg Lasson, ed., *Hegels Schriften zur Politik und Rechtsphilosophie* (Sämtliche Werke 7) (Leipzig, 1913), pp. 150–4; Gustav Schmoller, “Der deutsche Beamtenstaat vom 16. bis 18. Jahrhundert,” in *Untersuchungen zur Verfassungs-, Verwaltungs- und Wirtschaftsgeschichte* (Leipzig, 1898), pp. 289–313; Alfred Dehlinger, *Württemberg Staatswesen in seiner geschichtlichen Entwicklung bis heute*, vol 2 (Stuttgart, 1951, 53), pp. 920–63.
55. Reif, *Westfälischer Adel*.
56. Carr, “Spain,” p. 45.
57. Roberts, “Lombardy,” pp. 78–80.
58. Christopher Johnson is studying the familial dynamics of a nineteenth-century French provincial family through a voluminous correspondence. For a glimpse into the richness of his results, see “Das ‘Geschwister Archipel’: Bruder-Schwester-Liebe und Klassenformation im Frankreich des 19. Jahrhunderts,” in *L’Homme. Zeitschrift für feministische Geschichtswissenschaft* 13 (2002), pp. 50–67. He speaks of the “horizontalization” of kinship in the nineteenth century.
59. For a detailed discussion of marriage prohibitions, see Sabean, “The Politics of Incest and the Ecology of Alliance Formation,” in *Kinship*, chap. 3.
60. Françoise Zonabend, “Le très proche et le pas trop loin: Réflexions sur l’organisation du champ matrimonial des sociétés structures de parenté complexes,” in *Ethnologie française* 11 (1981), pp. 311–84; Delille, *Famille et propriété*, pp. 269–84.
61. See the discussion of the literature in Sabean, *Kinship*, pp. 398–427; Delille, *Famille et propriété*, pp. 271, 327.
62. Cf. David Warren Sabean, “Kinship and Prohibited Marriages in Baroque Germany: Divergent Strategies among Jewish and Christian Populations,” in *Leo Baeck Institute Yearbook* 47 (2002), pp. 91–103.
63. Sabean, *Kinship*, pp. 428–48; Mathieu, “Verwandtschaft,” pp. 238–42; Raul Merzario, “Land, Kinship, and consanguineous Marriage in Italy from the Seventeenth to Nineteenth Centuries,” in *Journal of Family History* 15 (1990), pp. 529–46;



- Jean-Marie Gouesse, "Mariages de proches parents (XVIe-XXe siècle)," in *Le modèle familial européen: normes, déviances, contrôle du pouvoir* (Actes des séminaires organisées par l'école française de Rome 90) (Rome 1986), pp. 31–61; Sandro Guzzi, *Donne, uomini, famiglia, parentela. Una dinastia alpina nell'Europa pre-industriale 1650-1850* (Habilitation thesis Berne 2005, forthcoming).
64. A great deal of evidence is gathered in Sabeen, *Kinship*, pp. 449–510.
65. Cf. Johnson, "Geschwister Archipel"; David Sabeen, "Inzestdiskurse vom Barock bis zur Romantik," in *L'Homme. Zeitschrift für feministische Geschichtswissenschaft* 13 (2002), pp. 7–28.
66. Coleman, *Courtaulds*, p. 33.
67. Coleman, *Courtaulds*, p. 4–43, 203–5.
68. Martin Oppenheimer, "Lewis Henry Morgan and the Prohibition of Cousin Marriage in the United States," in *Journal of Family History* 15 (1990), pp. 325–34; Guenther Roth, *Max Webers deutsch-englische Familiengeschichte 1800-1950* (Tübingen, 2001), pp. 539–44.